

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of
the Estate of RONALD TYRONE
ROBY, Deceased,**

Plaintiff,

V.

BENTON EXPRESS, INC., et al,

Defendants.

CIVIL ACTION NO.: 2:05CV494-T

DEFENDANT'S RENEWED MOTION FOR PROTECTIVE ORDER

COMES NOW the Defendant, Benton Express, Inc., and responds to the Court's order (Doc. No. 60) denying its motion for protective order (Doc. No. 35) by filing this renewed motion for protective order as follows:

1. The Plaintiff filed a motion to compel production of evidence regarding Stephanie Stephens' workers' compensation claim (Doc. No. 31).
2. In response to this motion to compel, Defendant filed a motion for protective order in accordance with Rules 26(c) and 37(a)(4)(B) of the Federal Rules of Civil Procedure (Doc. No. 35).
3. Although the Court initially denied (Doc. No. 37) the Plaintiff's motion to compel, the Plaintiff has since filed a renewed motion to compel (Doc. No. 40).
4. The Court recently entered an order denying Defendant's motion for protective order by stating, "Although the defendant attempts to set forth multiple and substantial grounds for the motion, there is no indication that the parties have conferred in an attempt to resolve the motion." (Doc. No. 60).

5. Defendant now renews its motion for protective order by showing unto the Court that the parties have indeed engaged in multiple good-faith conferences--both by telephone and in person--to resolve this dispute. [Affidavit of Gregory A. Brockwell, a copy of which is attached hereto as Exhibit 1]. Despite the parties' good-faith efforts, it appears the Court's intervention will be required to reach a resolution. [Exhibit 1].

6. Defendant hereby incorporates the positions and arguments of its original motion for protective order (Doc. No. 35) as if set forth fully herein.

7. Defendant understands that this matter is set for a hearing before the Court on January 23, 2006. (Doc. No. 61).

WHEREFORE, PREMISES CONSIDERED, Defendant renews its motion for protective order and again respectfully requests the Court to enter an Order denying the Plaintiff's Motion to Compel and holding that the discovery sought by the Plaintiff may not be had..

Respectfully submitted,

s/ Gregory A. Brockwell
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 13th day of January, 2006:

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